

EXHIBIT 9

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5)
6) Civil Action No.
7) 5:16-cv-10444
8 In re: FLINT WATER CASES) 5:16-cv-10444-JEL-MKM
9) (consolidated)
10)
11) Hon. Judith E. Levy
12) Mag. Mona K. Majzoub
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10 Tuesday, June 16, 2020

11 HIGHLY CONFIDENTIAL

12 VOLUME I

13
14 Remote videotaped deposition of
15 MICHAEL PRYSBY conducted at the location of the
16 witness in Lansing, Michigan, commencing at 9:06 a.m.,
17 on the above date, before Carol A. Kirk, Registered
18 Merit Reporter, Certified Shorthand Reporter, and
19 Notary Public.
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22

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1 A. As a capacity -- as a district
2 engineer, I was a member of the American Water
3 Works Association. I'm not 100 percent sure if
4 that's really an engineering society.

5 Q. Okay. But are you a member of the
6 American Society of Civil Engineers?

7 A. No.

8 Q. Well, let me just ask you a couple
9 of questions about that, and I'll move on.

10 Under this specific code of
11 ethics, under the Fundamental Principles, it
12 reports that, "Engineers uphold and advance the
13 integrity, honor and dignity of the engineering
14 profession by, number one, using their knowledge
15 and skill for the enhancement of human welfare
16 and the environment."

17 Do you see that?

18 A. Yes, I do.

19 Q. As a fundamental tenet for
20 licensing professional engineers, do you agree
21 with that?

22 MR. BARBIERI: Form, foundation.

23 MR. STERN: Form. This is the
24 same tutoring, irony objection.

1 Q. Could you answer that question,
2 sir?

3 A. I would agree that would be an
4 objective of an engineer.

5 Q. Okay. If you go down to the
6 heading "Fundamental Canons," it says, number 1,
7 "Engineers shall hold paramount the safety,
8 health and welfare of the public."

9 Did you see that?

10 MR. STERN: Object to form.

11 Tutoring, irony objection.

12 A. Yes.

13 MR. BARBIERI: Form and
14 foundation.

15 Q. And if you go down to the
16 Guidelines to Practice Under the Fundamental
17 Canons of Ethics, it says, "Canon 1. Engineers
18 shall hold paramount the safety, health and
19 welfare of the public."

20 Do you see that?

21 MR. STERN: Object to form. Same
22 objection; tutoring and irony.

23 MR. BARBIERI: Form and
24 foundation.

1 MR. BARBIERI: Objection to form.

2 Misstates this document.

3 Q. Can you answer my question,
4 please?

5 A. Yeah, that's what Lieutenant Rish
6 said in that document.

7 Q. You don't disagree with it, do
8 you, Mr. Prysby?

9 MR. BARBIERI: Same objections.

10 A. Kind of -- if you could repeat
11 that one more time for me, Richard.

12 Q. You know, it's sort of like a
13 truism. When you were carrying out your duties
14 and responsibilities as a professional engineer
15 and a district engineer for the MDEQ in the 2013
16 to 2016 time period, you were obligated to carry
17 out those duties in a legal and moral and
18 ethical way, correct?

19 A. Yes.

20 MR. STERN: Object to form. Same
21 objection; irony, tutoring.

22 Q. There's nothing extraordinary
23 about that proposition, is there, Mr. Prysby?

24 MR. BARBIERI: Same objection;

1 necessitates guidance to maintain consistent
2 implementation of the rule by field staff."

3 Do you see that?

4 A. Yes.

5 Q. And I read that correctly?

6 A. Yes, you did.

7 Q. And that's a proper
8 characterization of the Lead and Cooper Rule; is
9 it not?

10 A. Yes, it is, because it's a very
11 complex rule.

12 Q. Okay. If you go down underneath
13 that onto the next page, page 2 of 9. There's a
14 list of acronyms there. I've highlighted some
15 of them. CCT, corrosion control treatment; CS,
16 consecutive systems; LCR, Lead and Copper Rule;
17 OWQP, optimal water quality parameters.

18 Do you see that?

19 A. Yes, I do.

20 Q. There's no acronym in there for
21 corrosion control program, is there?

22 MR. STERN: Objection; form.

23 A. Not in that particular --

24 MR. STERN: Same previous

1 objections.

2 Q. And then under the -- if you
3 scroll down in the definitions, there's a
4 definition for optimal water quality parameters,
5 OWQP.

6 Do you see that?

7 A. Yes, I do.

8 Q. And it says, "The optimal water
9 quality parameters are the water quality
10 parameters with limits, values, and dosages set
11 by field staff under Rule 604(3)(f) that
12 represent optimal corrosion control treatment."

13 Did I read that correctly?

14 A. Yes, you did.

15 Q. And so the bottom line is, you
16 can't have optimal water quality parameters
17 unless you have optimal corrosion control
18 treatment, correct?

19 MR. STERN: Object to form. Irony
20 objection.

21 A. Can you repeat that question one
22 more time, Richard?

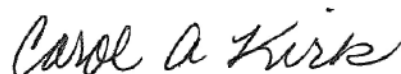
23 Q. Sure. Sure. I'd be happy to.

24 You cannot have optimal water

CERTIFICATE

I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Michigan, duly commissioned and qualified, do hereby certify that the within-named MICHAEL PRYSBY was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by him was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by him; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Dexter, Michigan on this 30th day of June 2020.



CAROL A. KIRK, RMR, CSR-9139

NOTARY PUBLIC - STATE OF MICHIGAN

My Commission Expires: August 19, 2022.

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